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9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 MARISOL NIEVES, an individual

13 Case No.: 2:14-cv-01066-RJC-VCF

14 Plaintiff,

15  
16 **MOTION TO ENLARGE TIME TO**  
17 **SERVE COMPLAINT**

18 vs.

19 PLS COLLECTION AGENCY, INC. d/b/a PLS  
20 & ASSOCIATES, a New York corporation

21 Defendant(s).  
22

23 COMES NOW PLAINTIFF MARISOL NIEVES (“Plaintiffs”) by and through their  
24 counsel of record, Mark J. Bourassa, Esq. of The Bourassa Law Group, LLC, and hereby  
25 submits their Motion to Enlarge Time to Serve Complaint.

26 This Motion is made based upon the attached Memorandum of Points and Authorities,  
27 all pleadings and papers on file in this matter and any further evidence or argument as requested  
28 by this Court.

29 Dated this 9<sup>th</sup> day of February, 2015.

30 **THE BOURASSA LAW GROUP, LLC**

31 /s/ Mark J. Bourassa  
32 MARK J. BOURASSA, ESQ.  
33 Nevada Bar No. 7999  
34 Attorneys for Plaintiffs

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## I. INTRODUCTION AND STATEMENT OF FACTS

This matter is a claim for multiple Fair Debt Collection Practices Act (hereinafter “FDCPA”) violations against the Plaintiff by Defendant PLS COLLECTION AGENCY, INC. d/b/a PLS & ASSOCIATES (“Defendant”). The original Complaint in this matter was filed on July 1, 2014.

Plaintiff served the Defendant on August 22, 2014, at the address listed for Defendant on the New York Secretary of State's website, 131 E Main St, East Islip NY 11730. **Exhibit "1".** On or about September 3, 2014, Plaintiff was notified by Josephine Serrino, secretary at PLS & Associates, that PLS & Associates was not the property party to be served. Upon information and belief, the owner of PLS & Associates, Peter L. Seideman, is also the owner of PLS Collection Agency. Therefore, Plaintiff then attempted service at an alternate address on or about October 24, 2014 and October 27, 2014, 20 Vanderventer Ave, Suite 103W, Port Washington NY 11050. **Exhibit "2".** Plaintiff has been unsuccessful in her attempts to serve Defendant at the Port Washington address. Plaintiff requires additional time to locate the proper Defendant and effect service. Accordingly, Plaintiff brings this motion pursuant to FRCP Rules 4(m) and 6(b), seeking additional time to effect service in this matter.

## II. ARGUMENT

FRCP 4(m) states:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Likewise, FRCP 6(b) states, in pertinent part:

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made,

1 before the original time or its extension expires; or (B) on motion  
2 made after the time has expired if the party failed to act because of  
excusable neglect.

3  
4 Here, good cause exists to extend the time for service because, through no fault of their  
5 own, Plaintiffs have been unable to effect proper service. As set forth above, Plaintiff has  
6 attempted service on Defendant in a timely manner. However, The party served at the address  
7 specified for it on the New York Secretary of State's website states they are the wrong party.  
8 Plaintiff has performed additional due diligence and believes that Defendant can still be served.  
9 Thus, Plaintiff requests an additional 120 days to locate and attempt service on Defendant.

10 **III. CONCLUSION**

11 Based upon the foregoing, Plaintiff respectfully requests that the Court provide Plaintiff  
12 with an additional 120 days to complete service in this case.

13 DATED this 9<sup>th</sup> day of February 2015.

14 **THE BOURASSA LAW GROUP, LLC**

16 /S/ MARK J. BOURASSA, ESQ.  
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*Attorney for Plaintiff*

22 **IT IS SO ORDERED.**

23 

24 **UNITED STATES MAGISTRATE JUDGE**  
25 **DATED:** February 10, 2015